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OFFICE OF PETITIONS

In re Application of :
Georges et al. : CORRECTED
Application No. 10/814,279 : DECISION ON PETITION
Filed: 1 April, 2004 :
Attorney Docket No. Q-80598 :

This is a corrected decision on the petition filed on 28 July, 2004, requesting that the above-identified application be accorded a filing date which is treated as a petition requesting that above-identified application, including three (3) sheets of drawings, be accorded a filing date of 1 April, 2004.

The petition is granted.

On 1 April, 2004, the application was filed.

On 23 July, 2004, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on 28 July, 2004, the present petition and a copy of three (3) sheet of drawings, was filed. Petitioners argue that three (3) drawing sheets was filed with the other application papers on 1 April, 2004, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 1 April, 2004, and identifies the application by the inventors' names, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, three (3) sheets of drawings. Petitioners request that the application, including the three (3) sheets drawings, be accorded a filing date of 1 April, 2004.

A review of the record reveals that no sheets of drawings received on 1 April, 2004, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 1 April, 2004, included three (3) sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including three (3) sheets of drawings, is entitled to a filing date of 1 April, 2004.

In view of the above, the petition is granted. No petition fee has been charged and none is due.

The application will be processed with the copy of the three (3) sheets of drawings supplied on 28 July, 2004, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 1 April, 2004, using the application papers filed on that date, and the copy of three (3) sheets of drawings supplied with the present petition, and for an indication in Office records that three (3) sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
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